

COHEN & GREEN

March 31, 2023

Hon. Ona T. Wang
United States District Court, Southern District of New York
Daniel Patrick Moynihan Courthouse, 500 Pearl Street
New York, New York 10007

By Electronic Filing:

MEMO ENDORSED.

Re: Case No. 22-cv-01445, Rodney v City of New York, et al.

Dear Judge Wang:

As the Court likely recalls, my firm, with co-counsel, represents Plaintiff in the case above. Plaintiff respectfully seeks clarification of the Court's Order at Dkt. No. 78. On initial reading, I had understood the Court to have implicitly denied the motion insofar as it sought to compel answers, but re-reviewing it, I realize I may have made an unwarranted assumption.

On review, I see two general ways of reading of the Order:

(1) the Court denied the motion in favor of a "meet and confer on whether some of the information Plaintiff seeks in her Requests for Admission could be more readily obtained through depositions or other discovery," and *also* scheduled a status conference to address any matters the parties wanted to put on an agenda, but unrelated to the merits of RFA dispute; or

(2) the Court granted the motion and scheduled a Rule 37.2 conference (described in the Order as a "status conference") at which it will resolve the merits of the dispute, but wanted the parties to confer a final time before that conference.

The former seems more consistent with the text of the Order, while the latter seems more consistent with the fact that the Court said it was "granting" the motion.

If the Court could clarify, we would appreciate it immensely. As always, we thank the Court for its time and consideration.

Respectfully submitted,

/s/

J. Remy Green

Honorific/Pronouns: Mx., they/their/them

COHEN & GREEN P.L.L.C.

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cc:

All relevant parties by electronic filing.

The Court will address this issue, if still live, at the May 18 status conference. (See ECF 78).
This Order does not in any way act as a stay on other discovery.

The Clerk of Court is respectfully directed to close ECF 79.

SO ORDERED.

Ona T. Wang 4/5/23
U.S.M.J.